



City of Alachua

15100 NW 142nd Terrace
Post Office Box 9
Alachua, Florida 32616
Phone: (386) 418-6105
Fax: (386) 418-6107

Request for Proposals

RFP 2010-03

**Parking Lot
San Felasco Conservation Corridor
Alachua Phase**

**CITY OF ALACHUA
RFP # 2010-03
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REQUEST FOR PROPOSALS

RFP 2010-03

I. INTRODUCTION

The City of Alachua requests proposals from qualified and licensed contractors for the construction of a 50-space parking lot constructed of pervious pavers with the exception of the handicapped spaces which will be paved in accordance with the Americans With Disabilities standards. The parking area will be located at the San Felasco Conservation Corridor, 13851 NW 126th Terrace, Alachua FL (Progress Corporate Park).

The City of Alachua is located in Alachua County, Florida, and has a population of approximately 9,500. The City of Alachua is a full-service municipality that provides its citizens with commercial and residential electric, water, wastewater, and stormwater utility services, and police, public works, recreation, building permitting, planning and administrative services. The City provides fire protection and garbage services through contracted services. The City operates under a Commission-Manager form of government. The City of Alachua is an Equal Opportunity Employer. Minority-Women owned businesses are encouraged to participate. In compliance with the Florida Sunshine Amendment and Code of Ethics, the City of Alachua strictly enforces open and fair competition in its requests for proposals. The City of Alachua supports Equal Opportunity Employment, Fair Housing and Providing Handicapped Access.

IN ORDER TO BE CONSIDERED, PROPOSALS MUST BE RECEIVED BY THE CITY ON OR BEFORE 4:00PM, 28 December 2009.

Qualified Firms shall submit an original and three (3) signed copies of their proposals to:

City of Alachua
Attention: Frank Sodek, III - Administrative Services Director
PO Box 9
15100 NW 142nd Terrace
Alachua FL 32616
fsodek@cityofalachua.org
Phone (386) 418-6105
Fax (386) 418-6107

Replies should be clearly labeled: **REQUEST FOR PROPOSALS – RFP #2010-03, San Felasco Conservation Corridor Parking Lot**. Late submittals will not be accepted and will be returned to sender, unopened. Proposals should be bound by soft cover and not in a notebook or other cumbersome binding. Proposals will not be accepted by either fax or e-mail.

II. REQUEST FOR INFORMATION AND ON SITE INSPECTION

Additional information may be requested by contacting Frank Sodek, III, Administrative Services Director at 386-418-6105 (fsodek@cityofalachua.org). Any other direct contact with members of the Selection Committee will not be allowed without prior approval. All requests for information regarding this RFP shall be directed to the Administrative Services Director on or before the due date. If needed, any firm wishing to make an on-site inspection prior to proposal submittal may do so by contacting the Administrative Services Director via mail, fax, or e-mail. The Administrative Services Director shall schedule the on-site visit.

III. SCOPE OF SERVICES

The **critical element** of this project is the substantial completion date which shall be no later than **31 March 2010** due to the funding source for this project. The parking area will be constructed of pervious pavers with the exception of the handicapped spaces which will be paved in accordance with the Americans With Disabilities standards. The parking area will be delineated with landscaping and the parking spaces delineated with wheel stops.

IV. FORMAT OF PROPOSAL

The purpose of the proposal is to demonstrate the qualifications, competence and capacity of the firms submitting proposals . As such, the substance of proposals will carry more weight than their form or manner of presentation. The proposal should demonstrate the qualifications of the firm and of the particular staff to be assigned to the project. It should also specify an approach that will meet the request for proposal requirements. To facilitate effective evaluation by the City, proposals shall be limited to a total of 50 pages. MBE/WBE/DBE certification(s), statement on Public Entity Crimes, other appendix documentation, sectional dividers, and front and back covers will not be counted towards that total. A Transmittal Letter, not to exceed three additional pages, may be included in the submittal. Proposals that exceed this length will be considered non-responsive and will not be evaluated.

The proposal should address all the points outlined in the request for proposals. The proposal should be prepared simply and economically, providing a straightforward, concise description of the proposer's capabilities to satisfy the requirements of the request. While additional data may be presented, the following subject items 1 through 13 **MUST BE** included, since they represent the criteria upon which each proposal will be evaluated by the Selection Committee. ***If more than one service is requested, a separate proposal for each service must be submitted; proposals may not be combined. A proposer may elect to submit a separate proposal for either one or all of the requested services.***

1. Title Page – The title page should include the title of the RFP, the name and address of the proposing firm, and the name, title and phone number of the contact person, and the date of the proposal.

2. Table of Contents

3. Transmittal Letter – A signed letter of transmittal briefly stating the proposer's understanding of the work to be done, the commitment to perform the work within the time period specified herein, a statement why the firm believes itself to be best qualified to perform these services to the City, and a statement that the proposal is a firm offer and is irrevocable for 90 days. The signor shall have the authority to bind the respondent to the submitted proposal.

4. Firm Profile – Outline your firm's profile and its organizational history in a narrative. This section should be limited to two pages.

5. Professional Experience – Detail successful, professional and other program/administrative experience of the firm within the last three years working with a local government, such as a municipality. This section should be limited to two pages.
6. Understanding of Local Needs – Explain your understanding of the Scope of Services requested in the RFP. Outline your knowledge of the community and familiarity with local conditions. Document your approach to address the project and a work plan to meet our objectives in a timely fashion.
7. Project Team Qualifications – Indicate who will serve as principal-in-charge and as project manager and their availability to work on the project. List other project personnel that will be assigned to this project. Describe their direct professional experience and other qualifications, certifications, and skills that will enable them to effectively and efficiently meet project requirements. Identify the office location that will be assigned to this project and its distance from the City of Alachua.
8. Work Priorities – Outline your firm's ability to meet our deadline, to work within budget constraints and to react to changing conditions.
9. Local Government References – ***Use the form provided for this purpose. Return it with your proposal.*** List four local government professional clients with whom you have had a contract within the last three years. Quality of the references is important.
10. Certification – Document your firm's status as Certified Minority/Women Owned Business, if any. ***A copy of your Firm's Certification must accompany your proposal in order to receive points.*** Certification may be state, federal, city, or local government. The federal definition of MBE/WBE must be met.
11. License to Practice in Florida – Must be licensed and permitted to practice in the State of Florida. ***A copy of your Firm's licenses should accompany your proposal.***
12. Insurance Requirements – A statement will be included indicating a minimum level of Professional Liability Insurance maintained by the firm to be \$1,000,000 aggregate coverage. A certificate evidencing Worker's Compensation insurance in statutory limits in accordance with Florida law. A certificate evidencing Auto Insurance including bodily injury in an amount of \$1,000,000 per accident and in the aggregate. A certificate evidencing General Liability insurance covering bodily injury, including death and property damage, in an amount not less than \$1,000,000 combined single limit per occurrence. The firm shall provide the City of Alachua with certificates of insurance meeting the required insurance provisions. Prior to commencement of work, the City of Alachua must be named as "additional insured" on the insurance certificates and copies of certificates shall be provided to the City. The City shall be notified in writing at least thirty (30) days before any such insurance is cancelled. Proposers shall certify that all subcontractors comply with the same insurance requirements, if applicable.
13. Fee Proposal - **The fee proposal should include an estimated cost proposal, with a maximum, not to exceed, total cost.**

V. SUBMISSION OF PROPOSALS

All responses must be presented in the same order as specified in this request for proposals. Supporting material may be provided; however, it must relate directly to information

specifically requested. Once a proposal is submitted, the City shall not accept any request by any proposer to correct either errors or omissions. The City is not responsible for any expenses that any proposer may incur in preparing and submitting proposals in response to

this solicitation. Written proposals, correspondence, and all records made thereof, as well as negotiations conducted pursuant to this solicitation shall be handled in compliance with Chapters 119 and 286, Florida Statutes. All proposals received in response to this solicitation will become the property of the City and will not be returned to the proposer. The City reserves the right to waive any irregularities in any proposal, to request any and all proposals, to re-solicit for proposals, if desired, and upon recommendation and justification by the City of Alachua to accept the proposal which in the judgment of the City is deemed the most advantageous for the public and the City of Alachua. The City further reserves the right to seek new proposals when such a procedure is reasonable and in the best interest of the City to do so. Each proposer shall furnish such additional information as the City may reasonably require. This includes information that indicates financial resources as well as the ability to provide the services. The City reserves the right to make investigations of the qualifications of the proposer as it deems appropriate. Any proposal that is incomplete, conditional, obscure or that contains irregularities of any kind may be cause for rejection of the proposal. In the event of default of the successful proposer, or his refusal to enter into an acceptable agreement with the City, the City reserves the right to accept the proposal of any other proposer or to re-advertise using the same or revised documentation, at its sole discretion.

VI. PROHIBITION ON LOBBYING

All firms are hereby placed on notice that the City Commission and City personnel do not wish to be lobbied either individually or collectively about a service for which a firm has submitted a proposal. During the process from proposal to final Commission approval, no firm or its agent shall contact any Elected Official or City employee in reference to this proposal, with the exception of the Purchasing Coordinator as detailed on page 3 of this solicitation. Failure to abide by this provision may serve as grounds for disqualification for award and rejection of submission.

VII. INDEPENDENCE

The firm should provide an affirmative statement that it is independent of the City of Alachua and that no conflict of interest exists.

VIII. NO COLLUSION

By offering a submission to the RFP, the proposer certifies the proposer has not divulged to, discussed or compared his/her competitive proposal with other proposers and has not colluded with any other proposers or parties to this competitive proposal whatsoever. Also, proposer certifies, and in the case of a joint competitive proposal each party thereto certifies as to its own organization, that in connection with the competitive proposal that no attempt has been made or will be made by the proposer to induce any other person or firm to submit or not to submit a competitive proposal for the purpose of restricting competition and that the only person or persons interested in this competitive proposal, principal, or principals is/are named therein.

XIX. PROTEST PROCEDURES

Any actual or prospective respondent to this solicitation who is aggrieved with respect to the former, shall file a written protest with the Purchasing Coordinator either prior to the opening of RFPs or the due date for acceptance of Proposals. Any actual or prospective respondent who desires to formally protest the recommended contract award must file a notice of intent to protest with the Administrative Services Director within two (2) business days of the date of award. In any protest or dispute, the City Manager acts as judge and mediator with the decision of the City Manager as binding and final.

X. SELECTION PROCESS

Selection Process Schedule – The following tentative schedule is to be considered when submitting a proposal:

<i>Tentative Schedule, Subject to Change</i>	
Advertisement	10 December 2009
Distribution of Request for Proposals	10 December 2009
Return Deadline for RFP (4:00 PM.)	28 December 2009
Selection Committee meets to Rank and Determine Finalists	6 January 2010
Commission Approval	17 January 2010
Notice of Award	18 January 2010
Notice to Proceed	18 January 2010

The City of Alachua reserves the right to alter scheduled dates, if necessary.

Selection Committee shall be as follows:

Hal Brady – Director of Parks and Recreation

Roland Davis – Engineer, Public Services

Danielle Judd – Assistant City Manager

Frank Sodek, III, Administrative Services Director, will serve as an alternate member of the Selection Committee if any member is unable to perform their duties for any reason.

Each member of the Selection Committee will independently score each proposal for each service using the selection criteria on the following page and may, at their discretion,

schedule additional written submissions and/or oral presentations. The full Committee will then convene to review and discuss these evaluations and to combine the individual scores to arrive at a composite score for each proposal.

The Selection Committee shall select in order of preference no fewer than three (3) firms/individuals deemed to be the most highly qualified to perform each required service. If fewer than three (3) firms/individuals desire to perform the services, the Committee shall recommend such firms as it determines to be qualified.

The Selection Committee will then submit their rankings and recommendations to the City Manager for subsequent transmittal to the City Commission for their acceptance. After City Commission selection, the City Manager is empowered to then begin negotiations to develop an agreement. Contract award is dependent upon the successful and full execution of a mutually agreed upon contract for each service. If a satisfactory contract cannot be negotiated with the highest ranked proposer, then the highest ranked proposer shall be rejected and negotiations will begin with the next highest ranked proposer.

XI. SELECTION CRITERIA AND SCORING

Qualifications – The following criteria will be used to evaluate responses and to select the top three (3) proposers for each service to be forwarded to the City Commission.

Evaluation Criteria and Presentations – Qualifications for each service, as defined below, must be described separately. Contracts for services shall be separate as described. Procurement and contracting of all services shall conform to state and federal regulations. Proposals shall be reviewed by a Selection Committee, ranked based upon the following criteria, and negotiation for contracts shall follow the order of ranking from highest to lowest score. Nothing shall preclude the City from selecting a single, qualified firm to provide all services.

Proposals for each service shall be evaluated using the following criteria:

- | | |
|--|--------------------|
| 1. Professional Experience | (20 points) |
| 2. Understanding of Local Needs | (5 points) |
| 3. Project Team Qualifications | (10 points) |
| 4. Work Priorities and Completion Time | (20 points) |
| 5. Local Government References | (10 points) |
| 6. Certification (Minority/Women Owned Business) | (5 points) |
| 7. Fee and Proposed Fee Basis | <u>(30 points)</u> |
| Possible Number of Points | 100 points |

XII. IDENTICAL (TIE) PROPOSALS

Whenever, identical or tied proposals are received, preference shall be given to the proposer having the least number of vendor complaints on file with the City. With this stipulation being fulfilled by both parties and the results are still the same, the City Manager shall cast the deciding and final vote.

XIII. LICENSES AND PERMITS

The firm chosen shall secure all licenses and permits necessary to conduct business in the City of Alachua and shall comply with all applicable laws, regulations and codes as required by the State of Florida or by the City of Alachua. The candidate must fully comply with all Federal and State laws, and County and Municipal Ordinances and Regulations affecting the performance of the work.

XIV. TERMS OF AGREEMENT

The agreement to be entered into with the successful proposer for this service will include, but not be limited to, the following terms and conditions listed in this RFP as follows:

A. Fees and costs specified in the proposal will remain firm for the period of the contract.

B. The proposer shall agree to indemnify and save harmless the City and its officers, agents and employees, from and against any and all liability, claims, demands, damages, fines, fees, expenses, penalties, suits, proceedings, actions and costs of action, including attorney's fees for trial and on appeal, of any kind and nature arising or growing out of or in any way connected with the performance of the Agreement whether by act or omission of the proposer, its agents, servants, employees or others, or because of or due to the mere existence of the Agreement between the parties.

C. **An understanding and agreement, by and between the proposer and the City, that the completion time, as specified in proposer's submission, is an essential condition of the contract.** The proposers shall agree that all work shall be performed regularly, diligently, and uninterrupted at such rate of progress as will ensure full completion thereof within the time specified.

D. Should the Proposer be found to have failed to perform services in a manner satisfactory to the City, the City may terminate the agreement immediately for cause; further the City may terminate this agreement for convenience with a thirty-(30)day written notice. The City shall be the sole judge of non-performance.

E. All working papers, maps, data, computerized files and reports are the property of, and must be provided to, the City of Alachua. Copies of all working papers, maps, data, computerized files and reports should be retained by the Proposer for a minimum of **five (5) years**, unless otherwise notified, in writing, by City officials, of the need to extend the retention period.

XV. PUBLIC ENTITY CRIMES

A person or affiliate who has been placed on a convicted vendor list following a conviction for public entity crime may not submit a bid on a contract to provide any goods or services to a public entity, may not submit a bid on a contract with a public entity for the construction or repair of a public building or public work, may not submit bids on leases of real property to a public entity, may not be awarded or perform work as a contractor, supplier, subcontractor, or consultant under a contract with any public entity in excess of the threshold amount provided in Section 287.017, for CATEGORY TWO for a period of 36 months from the date of being placed on the convicted vendor list.

XVI. DRUG-FREE WORKPLACE

The selected firm must provide the Drug Free Workplace Form, in accordance with Florida Statutes 287.087 prior to contract award.

XVII. DEBARMENT, SUSPENSION, INELIGIBILITY AND VOLUNTARY EXCLUSION

The selected firm must provide the Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion form prior to contract award.

CITY OF ALACHUA, FLORIDA
RFP 2010-03
FLORIDA STATUTES ON PUBLIC ENTITY CRIMES FORM

THIS FORM MUST BE SIGNED AND SWORN TO IN THE PRESENCE OF A NOTARY PUBLIC OR OTHER OFFICIAL AUTHORIZED TO ADMINISTER OATHS.

1. This sworn statement is submitted to _____
(print name of public entity)

by _____
(print individual's name and title)

for _____
(print name of entity submitting sworn statement)

whose business address is

and (if applicable) its Federal Employer Identification Number (FEIN) is

(if the entity has no FEIN) include the Social Security Number of the individual signing this sworn Statement

2. I understand that a "public entity crime" as defined in Paragraph 287.133(1)(g) Florida Statutes means a violation of any state or federal law by a person with respect to and directly related to the transaction of business with any public entity or with an agency or political subdivision of any other state or of the United States, including, but not limited to any bid or contract for goods or services to be provided to any public entity or an agency or political subdivision of any other state or of the United States and involving antitrust, fraud, theft, bribery, collusion, racketeering, conspiracy, or material misrepresentation.
3. I understand that "conviction" as defined in Paragraph 287.133(1)(b) Florida Statutes means a finding of guilt or a conviction of a public entity crime, with or without an adjudication of guilt, in any federal or state trial court of record relating to charges brought by indictment or information after July 1, 1989, as a result of jury verdict, nonjury trial, or entry of a plea of guilty or nolo contendere.
4. I understand that an "affiliate" as defined in Paragraph 287.133(1)(a) Florida Statutes means
- a. A predecessor or successor of a person convicted of a public entity crime; or
 - b. An entity under the control of any natural person who is active in the management of the entity and who has been convicted of a public entity crime. The term "affiliate" includes those officers, directors, executives, partners, shareholders,

employees, members and agents who are active in the management of an affiliate. The ownership by one person of shares constituting a controlling interest in another person, or a pooling of equipment or income among persons when not for fair market value under an arm's length agreement, shall be a prima facie case that one person controls another person. A person who knowingly enters into a joint venture with a person who has been convicted of a public entity crime in Florida during the preceding 36 months shall be considered an affiliate.

5. I understand that a "person" as defined in Paragraph 287.133(l)(c) Florida Statutes means any natural person or entity organized under the laws of any state or of the United States with the legal power to enter into a binding contract and which bids or applies to bid on contracts for the provision of goods or services let by a public entity, or which otherwise transacts or applies to transact business with a public entity. The term "person" includes those officers, directors, executives, partners, shareholders, employees, members, and agents who are active in management of an entity.

Based on information and belief, the statement which I have marked below is true in relation to the entity submitting this sworn statement. **(Indicate which statement applies.)**

_____ Neither the entity submitting this sworn statement nor any of its officers, directors, executives, partners, shareholders, employees, members, or agents who are active in the management of the entity, nor any affiliate of the entity has been charged with and convicted of a public entity crime subsequent to July 1, 1989.

_____ The entity submitting this sworn statement or one or more of its officers, directors, executives, partners, shareholders, employees, members, or agents who are active in the management of the entity or an affiliate of the entity has been charged with and convicted of a public entity crime subsequent to July 1, 1989.

_____ The entity submitting this sworn statement, or one or more of its officers, directors, executives, partners, shareholders, employees, members, or agents who are active in the management of the entity, or an affiliate of the entity has been charged with and convicted of a public entity crime subsequent to July 1, 1989. However, there has been a subsequent proceeding before a Hearing Officer of the State of Florida, Division of Administrative Hearings and the Final Order entered by the Hearing Officer determined that it was not in the public interest to place the entity submitting this sworn statement on the convicted vendor list. (attach a copy of the final order)

I UNDERSTAND THAT THE SUBMISSION OF THIS FORM TO THE CONTRACTING OFFICER FOR THE PUBLIC ENTITY IDENTIFIED IN PARAGRAPH 1 (ONE) ABOVE IS FOR THAT PUBLIC ENTITY ONLY AND THAT THIS FORM IS VALID THROUGH DECEMBER 31 OF THE CALENDAR YEAR IN WHICH IT IS FILED. I ALSO UNDERSTAND THAT I AM REQUIRED TO INFORM THE PUBLIC ENTITY PRIOR TO ENTERING INTO A CONTRACT IN EXCESS OF THE THRESHOLD AMOUNT PROVIDED IN SECTION 287.017, FLORIDA STATUTES FOR CATEGORY TWO OF ANY CHANGE IN THE INFORMATION CONTAINED IN THIS FORM.

(Signature)

Sworn to and subscribed before me this _____ day of _____, 200_

Personally known _____

OR produced identification _____ Notary Public - State of _____

(Type of Identification) My Commission expires _____

(Print, typed or stamped commissioned name of notary public)

CITY OF ALACHUA, FLORIDA
RFP 2010-03
DRUG-FREE WORKPLACE FORM

The undersigned vendor, in accordance with Florida Statute 287.087, hereby certifies that _____ does:

Name of Business

1. Publish a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the workplace and specifying the actions that will be taken against employees for violations of such prohibition.
2. Inform employees about the dangers of drug abuse in the workplace, the business's policy of maintaining a drug-free workplace, any available drug counseling, rehabilitation, employee assistance programs and the penalties that may be imposed upon employees for drug abuse violations.
3. Give each employee engaged in providing the commodities or contractual services that are under bid a copy of the statement specified in Paragraph 1.
4. In the statement specified in Paragraph 1, notify the employees that, as a condition of working on the commodities or contractual services that are under bid, the employee will abide by the terms of the statement and will notify the employer of any convictions of, or plea of guilty or nolo contendere to, any violation of Chapter 1893 or of any controlled substance law of the United States or any state, for any violation occurring in the workplace, no later than five (5) days after such conviction.
5. Impose a sanction on, or require the satisfactory participation in, a drug abuse assistance or rehabilitation program, if such is available in the employee's community, by any employee who is so convicted.
6. Make a good faith effort to continue to maintain a drug-free work- place through implementation of Paragraphs 1 through 5.

As the person authorized to sign this statement, I certify that this firm complies fully with the above requirements.

Proposer's Signature: _____

Date: _____

**CITY OF ALACHUA, FLORIDA
RFP 2010-03
REFERENCE LISTING FORM**

List a minimum of four (4) local government references for similar contracts, which you have completed within the past 3 years. *(Please print/type)*

Customer Name: _____

Address: _____

Telephone: (____) _____ Fax: (____) _____

Contact Name: _____

Type of Contract and Completion Date: _____

Contract ☐ Did ☐ **DID NOT** have reportable findings

Customer Name: _____

Address: _____

Telephone: (____) _____ Fax: (____) _____

Contact Name: _____

Type of Contract and Completion Date: _____

Contract ☐ Did ☐ **DID NOT** have reportable findings

Customer Name: _____

Address: _____

Telephone: (____) _____ Fax: (____) _____

Contact Name: _____

Type of Contract and Completion Date: _____

Contract ☐ Did ☐ **DID NOT** have reportable findings

Customer Name: _____

Address: _____

Telephone: (____) _____ Fax: (____) _____

Contact Name: _____

Type of Contract and Completion Date: _____

Contract ☐ Did ☐ **DID NOT** have reportable findings

My company has been in this type of business for _____ years. There are _____ employees in my company. _____ professionals will be dedicated to this project.

City of Alachua
15100 NW 142nd Terrace
Post Office Box 9
Alachua, Florida 32616
Phone: (386) 418-6105
Fax: (386) 418-6107

RFP 2010-03
NON-PROPOSER'S RESPONSE FORM

For purposes of maintaining an accurate vendor's list and facilitating your firm's response to our RFP invitation, we are interested in ascertaining reasons for prospective proposer's failure to respond to RFP invitations.

If your company is not responding to this RFP, please indicate the reason(s) by checking any appropriate item(s) listed below and return this form addressed above, attention Frank Sodek, III, Purchasing Coordinator.

We are not responding to this RFP invitation for the following reason(s):

- _____ Services or materials do not meet specifications.
- _____ Circle one- Specifications were:
Not clearly understood, Not applicable, Too vague, Too rigid,
Or _____;
- _____ Insufficient time allowed for preparation of RFP;
- _____ Incorrect address used. Please correct mailing address:

- _____ Other reason(s): _____

Name of Firm: _____

Mailing Address: _____

City, State, Zip: _____

Phone (____) _____ Fax _____

By: _____
Signature of Representative



**Certification Regarding
Debarment, Suspension, Ineligibility and Voluntary Exclusion
Lower Tier Covered Transactions**

This certification is required by the regulations implementing Executive Order 12549, Debarment and Suspension, 13 CFR Part 145. The regulations were published as Part VII of the May 26, 1988 *Federal Register* (pages 19160-19211). Copies of the regulations may be obtained by contacting the person to which this proposal is submitted.

(BEFORE COMPLETING CERTIFICATION, READ INSTRUCTIONS ON REVERSE)

- (1) The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals are presently debarred, suspended, proposed for disbarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.
- (2) Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

Business Name _____

Date _____

By _____
Name and Title of Authorized Representative

Signature of Authorized Representative

INSTRUCTIONS FOR CERTIFICATION

1. By signing and submitting this proposal, the prospective lower tier participant is providing the certification set out below.
2. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.
3. The prospective lower tier participant shall provide immediate written notice to the person to which this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
4. The terms "covered transaction," "debarred," "suspended," "ineligible," "lower tier covered transaction," "participant," "person," "primary covered transaction," "principal," "proposal," and "voluntarily excluded," as used in this clause, have the meanings set out in the Definitions and Coverage sections of the rules implementing Executive Order 12549. You may contact the person to which this proposal is submitted for assistance in obtaining a copy of those regulations (13CFR Part 145).
5. The prospective lower tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.
6. The prospective lower tier participant further agrees by submitting this proposal that it will include the clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion—Lower Tier Covered Transactions," without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.
7. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the Nonprocurement List.
8. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
9. Except for transactions authorized under paragraph 5 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.